

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference WS 2240 PCT	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/011450	International filing date (<i>day/month/year</i>) 13.10.2004	Priority date (<i>day/month/year</i>) 16.10.2003
International Patent Classification (IPC) or national classification and IPC D01H13/32, D02G3/34		
Applicant SAURER GMBH & CO. KG		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-12 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-17 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/5-5/5 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>1-17</u>	YES
		Claims _____	NO
	Inventive step (IS)	Claims <u>1-17</u>	YES
		Claims _____	NO
	Industrial applicability (IA)	Claims <u>1-17</u>	YES
		Claims _____	NO
2.	Citations and explanations (Rule 70.7)		
1.	<p>This report makes reference to the following document:</p> <p>D1: DE 44 04 503 A (SCHLAFHORST & CO W) 29 September 1994</p>		
2.	<p>D1 is considered to be the prior art closest to the subject matter of claims 1 and 15.</p> <p>D1 discloses a method of producing a novelty yarn that corresponds to an existing model novelty yarn, wherein the spin settings for producing the novelty yarn are generated by means of a digital control device, for example, by means of a random generator, which also generated the spin settings for the existing model novelty yarn (column 3, lines 1-31).</p> <p>D1 discloses a device for carrying out such a method.</p>		
2.1	<p>Thus the subject matter of claim 1 differs from that known from D1 in that the existing model novelty yarn is guided through a sensor device for</p>		

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	<p>measuring purposes in order to continuously measure at least one of the parameters of diameter and mass of the model novelty yarn.</p> <p>Furthermore, the subject matter differs in that the measured values are subsequently evaluated, in that the formation of the effect of the model novelty yarn, made up of effect regions and webs lying therebetween, is determined therefrom, and in that a data set is generated from the data representing the formation of the effect, on the basis of which data set spin settings are generated with which a novelty yarn can be produced.</p> <p>2.11 The subject matter of claim 15 differs from that known from D1, in particular, in that the device has an evaluation device (32A) which determines the effect data of the model novelty yarn from the measured values, and in that the device has a yarn design unit (32) which generates data necessary for spinning from the effect data by means of yarn design software.</p> <p>The subject matter of claim 1 and claim 15 of the application is therefore novel within the meaning of PCT Article 33(2).</p> <p>2.2 The problem to be solved by the present invention can be regarded as that of making it possible to reproduce exiting novelty yarns in spite of the fact that no spin setting data for a respective spin device are known for these yarns.</p>

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Box No. V

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2.3 The solution to this problem as proposed in the characterizing part of claim 1 and in the characterizing part of claim 15 of the application is based on the measurement of the pattern of existing novelty yarn. This process is not obvious from any of the documents cited in the search report.

This solution therefore involves an inventive step (PCT Article 33(3)).

3. Claims 2 to 14 are dependent on claim 1 and therefore also meet the PCT requirements for novelty and inventive step. Since claims 16 and 17 are dependent on claim 15, these claims also meet the PCT requirements for novelty and inventive step.